



European journal of American studies

14-1 | 2019

Special Issue: Race Matters: 1968 as Living History in the Black Freedom Struggle

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Electronic version

URL: <http://journals.openedition.org/ejas/14273>

DOI: 10.4000/ejas.14273

ISSN: 1991-9336

Publisher

European Association for American Studies

Electronic reference

Joe Street, « 'Free Huey or the Sky's the Limit': The Black Panther Party and the Campaign to Free Huey P. Newton », *European journal of American studies* [Online], 14-1 | 2019, Online since 29 March 2019, connection on 12 July 2019. URL : <http://journals.openedition.org/ejas/14273> ; DOI : 10.4000/ejas.14273

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'Free Huey or the Sky's the Limit': The Black Panther Party and the Campaign to Free Huey P. Newton

Joe Street

- 1 In October 1967, the co-founder of the Black Panther Party for Self-Defense (BPP), Huey P. Newton was arrested and charged with the murder of an Oakland police officer, John Frey. Newton's organization rallied around him, initiating a major 'Free Huey' campaign that ran through his trial and his two years in prison, and that rescued the BPP from oblivion. The campaign was significant enough for the *Oakland Tribune* to state that the trial became one of the two biggest news events of the year.¹ 'Free Huey' also became a rallying cry for radicals across the globe. It propelled Newton into the forefront of the radical movement and transformed the BPP into one of the most visible political organizations of the era.
- 2 Formed in October 1966 in Oakland, California by Newton and Bobby Seale, the BPP initially focused its energies on opposing police brutality in Oakland's inner city and similar local neighborhoods. Attracting a small but committed membership, it conducted a sequence of armed police patrols that unnerved the Oakland Police Department while alerting locals to their rights as citizens under arrest. Inspired by black nationalist, anticolonial, and internationalist traditions, the BPP took particular influence from Marxist theorists such as Ernesto 'Che' Guevara, Mao Zedong, and especially Frantz Fanon's coruscating critique of French colonialism as outlined in his classic text, *The Wretched of the Earth*. A widely-publicized confrontation with San Francisco police that followed the BPP's armed protection of Betty Shabazz, Malcolm X's widow, during a visit to the city in February 1967 elevated the organization to regional notoriety. On May 2, 1967, prompted by a legislative proposal to end California's citizens' rights to bear arms in public, the BPP conducted one of the most sensational events of the 1960s. A collection of armed Panthers entered the California State Capitol Building in Sacramento to protest the so-called Mulford Bill. A series of arrests followed that deprived the BPP of its most skilled organizers, and the organization entered a decline. In the early hours of October

28, 1967, Newton became embroiled in a melee with police officers Frey and Herbert Heanes, leading to Frey's death and Newton receiving a gunshot wound. Charged with murder, Newton faced the death penalty. The BPP set about deifying its imprisoned founder, transforming him into an international icon. Convicted of voluntary manslaughter in September 1968, Newton's conviction was quashed on appeal nearly two years later. The BPP welcomed him upon his return much like the Bolsheviks received Lenin from exile, a near-legendary leader ready to spearhead the revolution.²

- 3 Most historical assessments of the Free Huey campaign emphasize the role of the 'Free Huey' rallies in bringing the BPP to a wide audience, and similarly point to the mass media's response to the BPP. For Jane Rhodes, the campaign rendered the BPP media icons while enabling Eldridge Cleaver to cement himself at the organization's head.³ Curtis Austin, Donna Murch, and Robyn Spencer present the campaign as fundamental to the BPP's meteoric growth as members and supporters joined in their thousands and transformed the organization.⁴ As the campaign gathered pace, the BPP reached out to other radical groups. Joshua Bloom and Waldo Martin chronicle the inter-organizational tensions that emerged, while Joel Wilson and David Barber evaluate the BPP alliances with white radicals and Aaron Bae its multiracial alliances.⁵ Less interested in the popular movement to free Newton, Lise Pearlman chronicles events inside the courtroom.⁶
- 4 Such approaches underestimate the role of the Free Huey campaign in defining the BPP's development. As important, they elide the BPP's martyrizing of Newton. The analysis that follows demonstrates how the Free Huey campaign successfully cemented the BPP within 1968's radical movement and iconized Huey P. Newton while also sowing the seeds for the organization's later decline. It focuses on the three key elements of the campaign outside the courthouse to free Newton. First, it reveals the extent to which the fractious relationships between the BPP and fellow radical groups the Peace and Freedom Party (PFP) and the Student Nonviolent Coordinating Committee (SNCC) informed the BPP's growing pains. Two public galas designed to elevate the BPP's status and celebrate Newton's birthday offer additional evidence of the BPP's attempts to insert itself into California's radical movement. The article then demonstrates how media representations of Newton further publicized the BPP. Coupled with the ambiguity of the BPP's own rhetoric, this attracted both welcome and unwelcome attention, facilitating the BPP's rise to prominence just as it encouraged repressive actions against the organization's members. The voluminous FBI reports on BPP activities as the Free Huey campaign accelerated are testament to the magnitude of the FBI's interest in the BPP, which was piqued by the BPP's early forays into the public consciousness; the Free Huey campaign simply confirmed to the FBI that the BPP needed neutralizing. The article's final section argues that Newton's absence enabled the BPP to elevate him to near-mythological status, a process intended to maintain the campaign's momentum but that stored problems that manifested themselves following his release in 1970. The campaign consequently emerges as the central event in the BPP's history and as an exemplar of radical campaigning in 1968.
- 5 Kathleen Cleaver argues that the campaign intended to ensure that Newton would not be executed whilst elevating him to a symbol of everything that the BPP was fighting for and against, so countering the accusation that he was merely a criminal.⁷ It ensured that the people of the San Francisco Bay Area and beyond understood the disputed facts of the case and became aware of Newton's importance to the African American struggle against white power. It also built upon the BPP's early street protests to render the area around

the Alameda County Courthouse a focal point for activists, the police, the media, and the wider community. Rallies nearby brought great publicity to Newton and the BPP, and evoked the pomp of Marcus Garvey's Universal Negro Improvement Association parades. As important, the campaign transformed the BPP. On the night of Newton's arrest, it was little more than a community group with a handful of members. Its co-founder Bobby Seale later admitted that, at this point, the BPP had 'totally fallen apart; it didn't exist.'⁸ The recently arrived SNCC activist Kathleen Neal, BPP stalwart Emory Douglas, and Eldridge Cleaver – who soon married Neal – reinvigorated an organization that was little more than the three individuals themselves.⁹ By the Free Huey campaign's conclusion, the BPP was an international sensation with thousands of dollars pouring into its coffers each month and tens of thousands of sympathizers across the world. Accurate membership numbers are impossible to verify, although it is safe to state that the numbers of Panthers increased exponentially between October 1967 and November 1968.

¹⁰

- 6 The campaign itself took numerous forms. One tactic was to ensure that members of the Party and the community were always present in the courtroom's public gallery. This was to convey a threefold message: first, to remind Newton that the BPP was not abandoning him. Second, it reminded the court that the BPP was watching, a little like the Party's police patrols did to the Oakland Police Department. With an African American man on trial and a gallery full of African American faces facing a white judge, white lawyers, and a majority white jury, the racial connotations of the trial would be on show throughout. Third, their presence gave the press another opportunity to publicize the Party. The *Oakland Tribune*, for example, regularly noted the BPP supporters in the courtroom, inadvertently suggesting that the BPP had a membership that far exceeded its real numbers.¹¹
- 7 Another tactic was to reach out to other organizations, most notably the PFP and SNCC, in an effort to broaden the BPP's support base and build a viable support infrastructure, something that the small and inexperienced BPP lacked. That Newton would be tried by a majority-white jury encouraged the BPP to reach out to the white community. It announced an alliance with the PFP in late December 1967.¹² Aware that the PFP needed allies in the black community and that its links with the antiwar, civil rights, and campus movements suggested that it was committed and sincere, Eldridge Cleaver felt that it was well placed to aid Newton's cause. As important, a BPP alliance could bring extra momentum to the PFP's faltering quest to place itself on the ballot in the November 1968 election, particularly in the Bay Area's black communities.¹³ The alliance thus signified the BPP's tacit acceptance that electoral politics might be a necessary step towards the revolution, and that the two-party system in the nation could be disrupted and ultimately overthrown, whilst providing the BPP an infrastructure through which it could promote itself. In March, Eldridge Cleaver reinforced this message, informing the PFP's convention of the BPP's quest for a UN-observed plebiscite of black America over their national destiny.¹⁴
- 8 The alliance ensured the vigorous pursuit of the Free Huey campaign, enabling its slogan to become one of the rallying cries of the era. Immediately after its announcement, even the antagonistic *Tribune* published the BPP's Ten Point Platform and Program, while the PFP flooded the Bay Area with literature publicizing both Newton and the BPP.¹⁵ It thus repositioned the BPP on the radical left while cementing Eldridge Cleaver's position at the Party's core. It also boosted the demonstrations at Newton's trial. In November, sixty

Panthers were present for Newton's second court appearance. A court hearing late in December saw roughly 400 demonstrators, including numerous PFP members. Such was the fervor that one protester was inspired to scale the courthouse's flagpole to remove Old Glory and re-raise it upside down to signify that the nation was in distress. The radical-countercultural magazine *Berkeley Barb* delightedly revealed that Newton's supporters packed the court and reported a successful 'Honkies for Huey' meeting that same week, illustrating that the BPP was now a significant player in Bay Area radical circles.¹⁶

- 9 The other major coalition of the Free Huey period was with one of the storied organizations of the 1960s civil rights movement. Newton inducted Kwame Ture (then known as Stokely Carmichael), one of SNCC's greatest organizers and one of the most prominent black activists in the world, into the BPP in June 1967, hoping to take advantage of his renown and organizational experience. By the end of 1967, the two organizations' mutual appreciation extended to the negotiation of a formal bond. This foundered, however, over whether it was a formal merger, as the BPP's negotiator Eldridge Cleaver thought, or a more flexible alliance, as SNCC's James Forman believed.¹⁷ The arguments would rumble through 1968 as SNCC withered and the BPP focused more intently on freeing Newton.
- 10 Early 1968 saw the emergence of the third chief tactic within the Free Huey campaign and the first major outcomes of the alliances. The BPP organized two major events for Newton's birthday weekend: in Oakland on February 17, and in Los Angeles the following day. Designed to announce the partnership with SNCC and give Ture the opportunity to speak, the birthday galas were major publicity coups. Ture met with Newton in prison shortly before the Oakland gala. The discussion was apparently not as straightforward as Ture's dazzling smile to reporters on his exit suggested, however. Rumors suggested that the two disagreed over the roles of whites and armed revolution in the African American struggle. Ture, who had witnessed the betrayal of SNCC by many of its white supporters in the previous three years, felt that Newton was naïve in believing that the BPP could prevent its white allies dominating the BPP-PFP relationship.¹⁸
- 11 The first gala was a mixed success. The Oakland Auditorium, almost within earshot of Newton's cell at the Alameda County Courthouse, filled with a mixture of black, white, young, old, employed, and jobless, demonstrating widespread support for Newton. Speakers included Bob Avakian of the PFP; SNCC's Ture, Forman, and H. Rap Brown; Newton's mother, and his attorney Charles Garry. Ron Dellums, the recently elected Berkeley City Councilman, announced his intention to table a council motion for Newton to be set free. At center stage stood the empty wicker chair that Newton occupied for his famous photoshoot with spear and rifle. Its emptiness was a simple and effective visual ploy. A reprise took place at the Sports Arena in Los Angeles on the following day, with Maulana Karenga, a former Afro American Association colleague of Newton and founder of the LA-based African American pressure group US, and local pastor the Reverend Thomas Kilgore replacing Dellums. A crowd numbering over 3,000, including six FBI informants and one FBI agent observed matters.¹⁹ The FBI's presence both indicated the increased importance of the BPP during 1968 and offers a taste of the extensive counterintelligence operation that the FBI waged against the BPP.



- 12 Stills from *Huey!* Dir: Pugh (American Documentary Films, 1968). Above, left to right: unknown male, Seale, Newton's chair, Ture (who donned his dashiki immediately before giving his speech), Brown. Below, Newton's portrait, as depicted in *Huey!*



- 13 The BPP's newspaper lauded the Oakland gala as the 'first liberated rally ever held in Babylon.'²⁰ The printed press was more hostile, and television merely ignored it, apparently a consequence of the BPP demanding \$1,000 for broadcast rights. Berkeley's KPFA radio station known colloquially as Pacifica, recorded it for radio broadcast. Famed for its willingness to engage with the Bay Area's radicals, Pacifica's presence demonstrates that the BPP had maneuvered itself into the center of the Bay Area radical movement.²¹ American Documentary Films, a radical filmmaking collective that was preparing a documentary about the BPP, also recorded the event. Its production, *Huey!*, juxtaposed footage of the rally with footage of BPP Treasurer Bobby Hutton's April 1968 funeral, some white supremacists, and various Oakland police officers, before soliciting the opinions of white oppression held by some Oaklanders in a barbershop. Concluding

with excerpts from Ture's speech, the documentary offered a sympathetic outsider's perspective, suggesting that the BPP sat at the core of 1968's political expression.²²

- 14 This coverage revealed that tensions existed at the heart of the BPP's new coalition. Forman struggled to define the terms of the alliance.²³ Bobby Seale reinforced Newton's centrality to the BPP and the wider racial struggle before discussing the BPP's Ten Point Platform and Program, its firearms policy, and direct action in the community.²⁴ In contrast to the polite applause that met Seale's speech, pandemonium followed Rap Brown's address. In his now familiar sunglasses and beret, Brown opened with a denunciation of Thurgood Marshall before stating that the only difference between Lyndon Johnson and George Wallace was the fact that 'one of them's wife's got cancer.' Anticipating Ture's speech, he denounced integrationism, although he mused on the potential of a rainbow alliance of the dispossessed led, of course, by black revolutionaries.²⁵ Anointed Prime Minister of Afro-America to the crowd's further acclaim, Ture then took the stage. Uneasy at the BPP-PFP alliance, he begrudged the presence of PFP luminaries at the event. (This was somewhat ironic given that the PFP funded Cleaver and Seale's trip to invite Ture to the rally. He might have raised a smile, however, at the knowledge that they apparently had to denounce the PFP as liars and racists before receiving the cash.²⁶) As if to underscore the division between him and his new comrades, Ture eschewed the BPP uniform of black leather jacket, beret and rollneck jersey in favor of a dashiki: attire more associated with Pan Africanism.²⁷ The *Tribune* reported that Ture's thoughts on the Newton trial were straightforward: Newton would be freed, or else.²⁸ His apocalyptic speech, however, gave little indication of his sympathies for the BPP's program, instead focusing on the value of racial nationalism to the worldwide liberation struggle. He concluded to a standing ovation, 'The major enemy is the honky,' a position that directly challenged the BPP's willingness to enter into alliances with white radicals.²⁹
- 15 His speech placed the BPP in a bind. It was in no position to censure its most famous recruit, despite a public address that opposed one of its own core tenets. Yet this bind is revealing of the BPP's attempt to embed itself within the rival (black) nationalist and (white) radical political groups. This might also have prompted Ture's insistence that the ideology of the BPP was 'up for grabs' in early 1968.³⁰ Schooled in the fissiparous atmosphere of leftist and civil rights pressure groups, Ture was a wily political operator, always attentive to such schismatic tendencies. Later in 1968, Eldridge Cleaver reflected on this maneuvering, arguing that Newton's arrest and the formation of the PFP represented an opportunity to unite Bay Area blacks with radical whites behind Newton, one that worked to the BPP's advantage.³¹ Whilst skeptical of Ture's brand of nationalism, Cleaver was acutely aware of the publicity that Ture's appearance – and whatever controversy accompanied it – would bring to the BPP and that enveloping Ture within the BPP would bring great benefits to the organization even though it might be problematic at a personal and ideological level.
- 16 Meanwhile, James Forman brokered talks with various African American groups in an attempt to extend the BPP's foothold in southern California.³² Such work ensured that the February 18 Los Angeles rally included a cross-section of African-American radicals. The speeches that day lacked Oakland's electricity but reinforced the sense that the BPP was entangled in a struggle for the future of African-American radicalism in California. Seale's speech embraced the broad sweep of post-Civil War American history and offered a potted guide to the BPP, before ending with a 'Free Huey or else' chant.³³ Karenga, safe on

home turf, outlined his belief that only nationalism offered the black population a legitimate political ideology before telling his audience: 'Let's talk about how to get white people fighting each other.... Let them shoot each other... and after it's all finished we will have a better world.' He finished by praising Newton as a 'symbolic figure' for the black community.³⁴ Rap Brown raised laughter that was loud enough even for the FBI to notice when he pondered 'The only thing that Huey Newton is guilty of, perhaps, is that he didn't tell me he was going down on the honkies that day.' After repeating some of the themes of his Oakland speech he concluded nihilistically, 'We say freedom or death. Fuck it. Black Power, brother.'³⁵ Ture repeated many of the themes of his Oakland speech, adding that his audience should be prepared to kill police in retribution should Newton be executed.³⁶

- 17 The Birthday Galas, then, reveal the inconsistency in the public messages associated with the BPP during the early stages of the Free Huey campaign. This was in part a consequence of the glare of publicity leading to the BPP's growing pains occurring more or less in public. Observers such as the many FBI agents who tracked the organization and the press outlets that were keen to emphasize internecine disputes in the African American struggle thus gathered enough raw material with which to work. The rallies also intensified police repression of the Party. Within one week Bobby Seale was arrested in his own home and charged with conspiracy to commit murder, and numerous Panther activists were stopped and searched by local police, prompting Newton to mandate that all BPP members 'acquire the technical equipment to defend their homes and their dependents.'³⁷ Eldridge Cleaver's *Soul on Ice* appeared at the end of the month. It was an instant sensation, selling hundreds of thousands of copies and propelling Cleaver, and hence the BPP, to international celebrity.³⁸
- 18 In January, Newton gave his last press interview without Charles Garry ready to pounce on any missteps. Garry's presence meant that interviews could take place in the courthouse's attorney-client meeting room rather than in the dramatic surroundings of Newton's cell.³⁹ Reframing Newton not as a criminal – literally behind bars – but as a free man whose liberty was only temporary restricted, this could reinforce his claims to innocence by presenting him in less suggestive surroundings, even though it undercut the BPP's suggestion that Newton was already a martyr. Illustrating the extent of the BPP's rise, Newton's interviewers in March were KPFA, the *Los Angeles Times*, his comrade Eldridge Cleaver, and Joan Didion, whose spare journalistic style was beginning to attract major attention. Didion's piece appeared in the *Saturday Evening Post* on May 4 and raised the BPP to another level of celebrity.⁴⁰ It was perfectly calibrated to appeal to the *Post*'s genteel, conservative readership, although that issue's cover, depicting The Beatles meeting the Maharishi Mahesh Yogi in India, suggested that the *Post* cautiously embraced elements of 1968's counterculture, albeit in the guise of the spiritual quest of the most popular rock group of the era. While Didion suggested that the matter of Newton's guilt was irrelevant to the situation facing the BPP, she lamented Newton's preference for rehearsed political statements over personal confession. 'Almost everything Huey Newton said had that same odd ring of being a "quotation," a "pronouncement" ready to be employed whenever the need arose,' she sniffed before suggesting that she saw Newton as little more than an 'educational fun-fair machine... where pressing a button elicits great thoughts on selected subjects.'⁴¹

I kept wishing that he would talk about himself, hoping to break through the wall of rhetoric, but he seemed to be one of those autodidacts for whom all things specific

and personal present themselves as minefields to be avoided even at the cost of coherence, for whom safety lies in generalization.⁴²

- 19 In a later revision, Didion reflected that she was pretentious, self-absorbed, and somewhat bored during the late 1960s, belatedly acknowledging that she was unsuitable to interview, let alone understand, Newton.⁴³ Her desire to engage Newton – a man she had not previously met – at a highly personal level exposes Didion's youthful sense of white privilege rather than Newton's inarticulacy. Similarly, her unpleasant reference to Newton's education and its impact on his articulacy again reinforces the suggestion that the interview was an exercise in condescension. Rather than celebrating Newton's determination to overcome the failures of his schoolteachers it instead reinforced any existing prejudices held by Didion's readers even as it brought the world of the BPP further into the suburban homes of middle America.
- 20 By the publication of Didion's article, such was the BPP's repute within radical circles that the *Ramparts* editor David Welsh was writing that the Newton trial would 'rock this rotten system to its foundations.'⁴⁴ The BPP's newspaper went further still, asserting that the Newton trial 'marks the end of history.'⁴⁵ Regular press conferences fed a constant stream of information to the media, the BPP's newspaper could be found almost everywhere in the Bay Area, and flyers coated lampposts, walls, and windows. The BPP even developed a speaker's kit, designed to offer its representatives bite-sized histories of the Party, biographies of its jailed leaders, and information on the BPP's various legal cases and their significance for the wider African American population. This information was designed to ensure that each BPP speaker could not only detail the Newton trial but also facts pertaining to a plethora of cases, ranging from low-level harassment to police brutality, thus presenting Newton's case as symptomatic of a wider system of repression.⁴⁶
- 21 Even Eldridge Cleaver's arrest following the death of BPP treasurer Bobby Hutton during a shoot-out with Oakland police in April 1968 did not contain the Free Huey campaign: Seale and Kathleen Cleaver simply took over as major spokespersons. Soon afterwards, Seale compared Newton to Jesus, echoing the BPP newspaper's insistence that, like the Son of God, Newton 'laid his life on the line so that twenty million black people can find out just where they are at.'⁴⁷ Here, the BPP began Newton's martyrdom, calling on Christian iconography to establish his innocence and saintliness. Whilst this was a little paradoxical given the BPP's advocacy of Marxism (not to mention somewhat hyperbolic), it referenced the importance of Christianity to vast swathes of the African American population and created a narrative for Newton that was familiar to any American observer. It also slyly indicted the American government, suggesting that Newton's life, like Jesus's, hung on the whims of a capricious legal system that could sentence him to death despite being innocent of any capital crime.
- 22 Newton's trial opened with the BPP in determined mood. That week's newspaper was covered by a photomontage of Newton, headlined: 'Free Huey Now: Huey Must Be Tried By His Peers.'⁴⁸ Chanting and fist-raising Panthers paraded in front of the Alameda County Courthouse, helping to transform the public image of the Party. Rather than a disorganized rabble, the BPP appeared as highly organized and regimented, militarized even. Rather than a chaotic gathering of gun-happy youths, it was a disciplined unit. In mid-July, the BPP held a sequence of rallies in the Bay Area, all monitored by the FBI.⁴⁹ Crowds peaked on July 15, with even the FBI noting the impressive sight of 1,500 people gathered outside the courthouse.⁵⁰ The *San Francisco Chronicle* estimated that twice as

many were present, chanting 'Free Huey' in an 'awesome outburst' of popular sentiment that was met with a police baton charge in an effort to clear the vicinity.⁵¹ Unfortunately, the BPP could not maintain the momentum. By the week's end, numbers were dwindling, and the demonstrations ceased before the end of the month.⁵² The recently-bailed Cleaver, meanwhile, met with the Cuban and Tanzanian delegations at the United Nations Building in New York City, and promised that he and other BPP members were prepared to die 'before seeing Huey Newton sentenced to death.'⁵³ The BPP then called for UN Observers to be placed in all American cities that had black ghettos. 'This action is necessary,' the BPP newspaper stated,

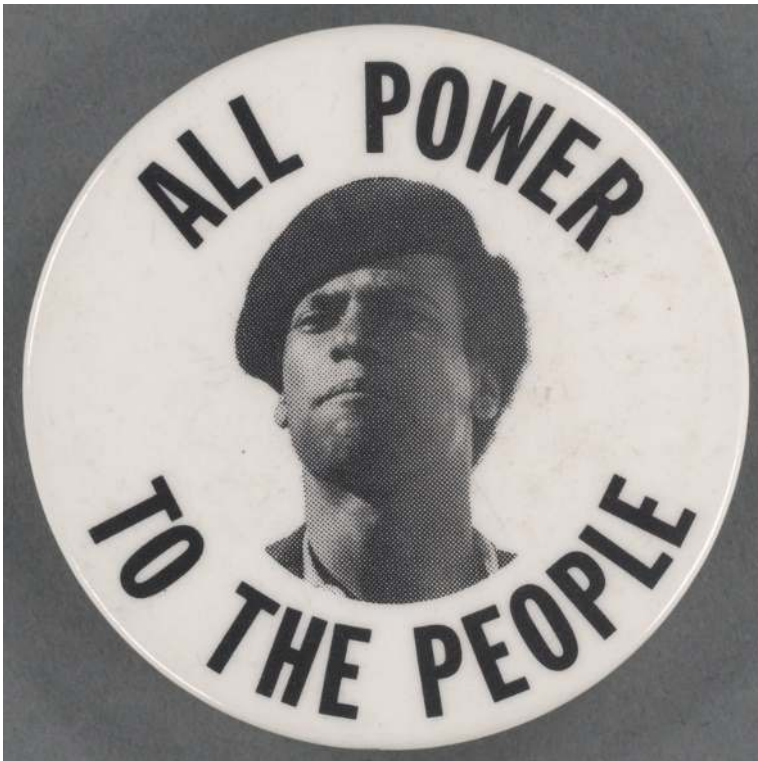
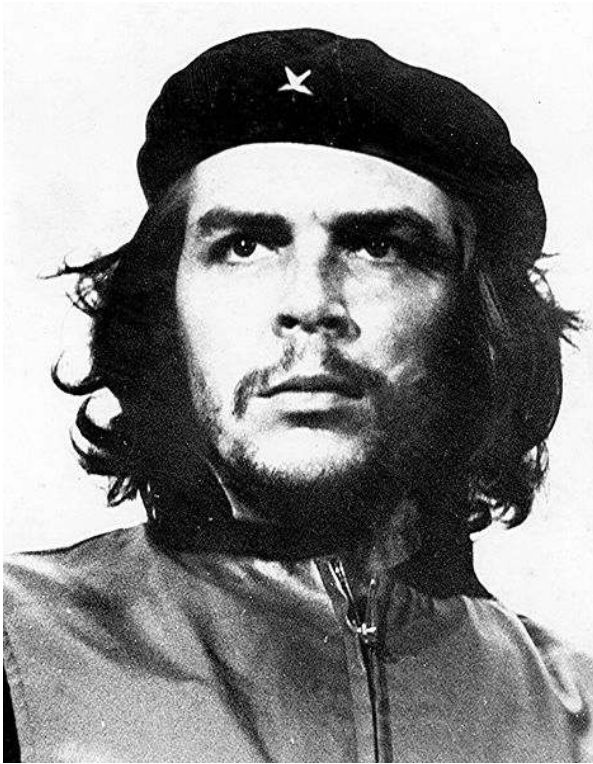
because the racist power structure of this imperialist country is preparing to unleash a war of genocide against her black colonial subjects. Black people, on the other hand, are determined to resist this aggression by any means necessary, including revolutionary armed struggle. The hour of showdown for racist-imperialist America has dawned. The case of Huey P. Newton will be the spark that will set this showdown in motion.⁵⁴

- 23 The BPP's warnings reflected wider sentiments. The *Washington Post* mused that the trial could create the first martyr of the American left since the Italian-American anarchists Sacco and Vanzetti. Many believed that the anarchists were executed for their political beliefs rather than for the crime they were supposed to have committed.⁵⁵ Newton, who likewise was as much on trial for his politics and his race as he was for Frey's death, thus transfigured into the pre-eminent symbol of revolution as the country reeled from the assassinations of Dr. Martin Luther King and Robert F. Kennedy. The *Berkeley Barb*, in full apocalyptic mode, told its readers 'History has its pivotal points. This trial is one of them.' It was, the *Barb* warned, 'life or death for the United States.'⁵⁶
- 24 Such extravagant language had its roots in the early stages of the Free Huey campaign. At a meeting prior to the February rallies SNCC's James Forman outlined a taxonomy of retaliation should any African American militant leaders be assassinated: for his own death, he considered a fair price the destruction of ten 'war factories,' fifteen police stations, thirty power plants, one southern governor, two mayors, and 500 police. The cost for Ture and Rap Brown would be tripled, 'and I tell you this,' he promised, 'the sky is the limit if you kill Huey Newton. The sky is the limit if Huey Newton dies.'⁵⁷ He repeated the slogan at the Oakland birthday rally. By April, the slogan 'Free Huey, or the Sky's the Limit' was on placards wielded by sympathizers at various Bay Area protests and as Newton's trial jury considered its verdict, the BPP's own newspaper devoted its cover to the same line.⁵⁸
- 25 This famous slogan was more than simply a rhetorical ploy. In the first instance, 'Free Huey' offered blanket condemnation of the very trial itself. If the jury found him guilty, it was merely a consequence of the iniquity of the American legal system, as established in Point Nine of the BPP's foundational document, specifically Newton and Seale's somewhat Marxian understanding that a jury of Newton's peers should include people from 'similar economic, social, religious, geographical, environmental, historical and racial background [s].'⁵⁹ The slogan also reminded Panthers and other observers of the historic crimes perpetuated against African American people by the very legal system that was supposed to protect them. 'Free Huey' went further, however, rejecting even the suggestion that Newton could receive a fair trial. In denying even the slim possibility that a jury of Newton's peers could be selected, it denounced the American legal system while asserting Newton's innocence. Bobby Seale elaborated, stating that any claim for a fair trial represented 'old white liberal[ism]' and an 'end[er] of continued racism,' an

implied swipe at the faith of the mainstream African American civil rights movement in using the law to address black inequality and white racism. Kathleen Cleaver was even blunter: 'Asking whether a black man can get a fair trial in America is tantamount to asking if a Jew could get a fair trial in Nazi Germany.'⁶⁰

- 26 The slogan's second clause was more complex. 'The sky's the limit' suggested that the BPP was fully prepared to take whatever means necessary to obtain justice should Newton not be freed. Seale later recalled that this statement was essentially 'anarchistic.'⁶¹ Within the context of the BPP's willingness to present arms in public, protest at the California State Capitol, and offer stinging rebukes to the white power structure, it was tantamount to suggesting that the BPP was readying itself for war. When pressed, though, Panthers stated that 'the sky's the limit' referred to their willingness to go to the highest court in the land – the United States Supreme Court – to ensure Newton's liberty.⁶² This took advantage of the statement's ambiguity and echoed Charles Garry's courtroom strategy in Newton's defense. During the trial, Garry called Dr. J. Herman Blake from UC-Santa Cruz to testify about the gulf between the literal and metaphorical meanings of BPP rhetoric. He outlined the concept of signifying, a linguistic strategy used heavily by black Americans, in which the speaker talks about one particular idea while having a completely different idea in mind. The example Blake used on the witness stand was a group of young men talking of a 'fine day today' when a pretty woman walks past.⁶³ The comment might ostensibly be about the weather but it also signifies the speaker's appreciation of the woman's beauty. If this concept were applied to 'the sky's the limit,' one might suggest that the BPP had the Supreme Court in mind when using the metaphor. This claim is untenable, however. The BPP considered the California judicial system to be racist, unfair, and unrepresentative of the population. No factors suggest that the nine justices of the Supreme Court were any less so. Meanwhile, elsewhere, Seale promised reporters 'that Huey P. Newton must be set free or the sky is the limit around the world,' including locations well outside the Supreme Court's jurisdiction, and Cleaver told the *New York Times* that the BPP would do 'anything within our power' to protect Newton from the death penalty.⁶⁴
- 27 Nevertheless, the BPP was canny enough to know that a full-frontal attack on white America was never more than a fanciful folly. The 'sky's the limit' slogan ultimately existed both to terrify observers and rally supporters, to tap into the former's fears of African American revolutionary power and the latter's desire to take immediate action against oppression. The slogan's call for action chimed with 1968's revolutionary zeitgeist more so than any legal contingency plans. In this sense, the year's many other upheavals were firmly encoded in the statement. As important, the BPP reemphasized rhetorical ambiguity as a key weapon in the oppositional struggle. Allied to the press coverage of the rallies and the trial itself, it suggested to whites that the BPP was more powerful than they could imagine and presented the few Panther sympathizers who were able to gain access to the courtroom as the tip of a revolutionary iceberg. It simultaneously rallied black Americans around a cause that appeared ever more apocalyptic as 1968 progressed, while suggesting that Newton was a martyr-in-waiting, again elevating him beyond his mere corporeality. With violent disorder convulsing cities across the nation in the wake of Dr. King's assassination, the Democratic National Convention descending into chaos, and the third phase of the Tet Offensive wreaking havoc in Vietnam, the BPP's statement both exploited and contributed to a tense national atmosphere.

- 28 The jury decided in September to convict Newton of voluntary manslaughter, a decision that Garry denounced as 'chickenshit,' but that saved Newton from the death penalty.⁶⁵ It might have initially been a shock, but the BPP regrouped and resolved to continue the campaign, spurred perhaps by the reaction of the Oakland Police Department to the verdict. Two of its officers announced their disgust by offloading a volley of bullets into the BPP's Grove Street headquarters in the early hours of September 10.⁶⁶ The special issue of *The Black Panther* on September 14 retorted that the BPP would free Newton, with a portrait of the BPP leader hovering above the 'sky's the limit' slogan which itself rested over a rifle. Two photographs cited the slogan and presented one young man brandishing a Bowie knife and a revolver, ready to pounce, and another aiming a rifle at an off-camera target. Kathleen Cleaver's accompanying editorial painted an apocalyptic picture of the repression of the BPP within a Marxian critique of American capitalism, concluding that the African American population faced a stark choice between 'total liberation or total extinction.'⁶⁷
- 29 By the end of the year, however, the Free Huey campaign downshifted. With Newton removed to the state prison at Vacaville and subsequently the men's colony at San Luis Obispo, Oakland-based demonstrations lacked a focal point.⁶⁸ Now that the death sentence had been avoided, the BPP could shift focus to Newton's absence, mythologizing his role in the creation and definition of the BPP. Bobby Seale wrote of the community's role in rescuing Newton in *The Black Panther* in December 1968, shortly after Eldridge Cleaver fled the US to avoid returning to prison. He mentioned a plan to petition the Supreme Court to declare a mistrial but nary a mention of the sky being the limit should Newton remain imprisoned.⁶⁹ The quiet abandonment of the slogan might suggest the BPP's awareness that it was more problematic than it first appeared. More important, it reflected the recalibration of the BPP's rhetoric and strategy, which accelerated with Cleaver's exile.
- 30 Meanwhile, Newton's physical absence paradoxically became the basis for his omnipresence. Thus his image appeared everywhere the BPP was present. He stared out of the masthead of the BPP's newspaper each week, his profile eerily echoing Alberto Korda's image of Ernesto 'Che' Guevara, perhaps the quintessential 1968 symbol. Shot from below and lit from the left, both photographs elevate their subjects, offering them an omniscient gaze. Both men look sternly outwards, suggestively to the viewer's left. Both sport berets, Guevara's trademark headgear. According to Bobby Seale, he and Newton chose the beret after watching a movie about the French Resistance, in which the resistance fighters wore the headgear.⁷⁰ Their decision was thus a conscious display of their antifascist credentials, one that Guevara's death – which occurred three weeks before John Frey stopped Newton – intensified. Within months, Korda's image became an icon, reproduced on posters, banners, and handbills across the world, helping to render its subject a legend who willingly sacrificed himself for the masses and in the process achieved apotheosis.⁷¹ The subtle, albeit unconscious, echoes of Korda's photograph in the pages of *The Black Panther* fueled Newton's own myth and suggested a similar construction of his image.



- 31 First Image: Cropped version of Alberto Korda 'Guerrillero Heroico – Che Guevara' (public domain)
- 32 Second Image: 'All Power to the People' badge (from the New York Public Library at <https://digitalcollections.nypl.org/items/c9e83030-6be8-0135-6bb0-0550f5bf58c1>; public domain). This features the same image as that used on *The Black Panther's* masthead

- 33 While the FBI was working to prevent the rise of a black messiah, the BPP also attempted to keep Newton the intellectual in the public eye, issuing a number of his writings and opinions, placing them in outlets such as the radical publications *The Movement* and the *Berkeley Barb*.⁷² The desired impact was manifold. By touting his work to other publications, the BPP opened up new revenue streams while reducing the pressure on its own organization to reach out to wealthy white radicals. Such income was essential to keep on top of the escalating cost of bail and legal fees for arrested Panthers. While the BPP presented Newton as a martyr of the black revolution, his writings ensured that he was ever present in the minds of members and supporters, enabling the BPP to maintain the momentum of the early months of the campaign.
- 34 This was not merely about Newton's role as a revenue stream or focal point of BPP organizing, however. His ongoing writings ensured that he became not simply a symbol of the BPP's campaign but one of its driving forces. By continuing to issue his writing, the BPP suggested that his incarceration was only a temporary hiatus to his physical activities and no barrier to his intellectual leadership. Newton's prison writings might therefore be compared to Dr. Martin Luther King's Letter from Birmingham Jail, disseminated as a tool through which to reveal the injustice of the prevailing justice system while also ensuring that jail did not remove the writer from the struggle. Supporters could thus draw sustenance from his continued determination to fight while Newton had something to focus on during the long hours of solitary confinement that he endured.⁷³
- 35 As important, such work burnished Newton's intellectual credentials. While feted for his activism in radical circles, Newton was not renowned as an intellectual, as Didion's dismissal suggested. The BPP Ten Point Platform and Program was in the process of becoming a classic of 1960s protest literature but Newton's thought did not move far beyond its tightly focused ideas until his incarceration. Missives such as 'In Defense of Self-Defense' and 'The Correct Handling of a Revolution' – both written before his conviction and neither as renowned as the Platform and Program – suggest that Newton's parameters broadened during his imprisonment. The first warned African Americans that they were close to being railroaded toward destruction and remains the greatest demonstration of Newton's rhetorical brilliance. Its historical sweep extends from the colonial period to the 1960s, encompassing the genocide of the American Indians, internment of Japanese Americans in the 1940s, and even atomic diplomacy. It notes bitterly that, despite all of the peaceful protesting, political lobbying, praying, and petitioning, the tyrannical grip of white America over black America showed no sign of loosening. After drawing this dystopian tableau, it offers a stark conclusion: as Fanon concluded of the Algerian independence movement, armed resistance was the only option remaining.⁷⁴ It thus positioned California at the forefront of the racial struggle, and placed the BPP at the very heart of 1960s protest. Using the Cuban Revolution as a model, 'The Correct Handling of a Revolution' presents the vanguard party as the essential vehicle for the revolution that would lead the people away from inchoate protest towards guerrilla warfare and urges readers to heed Fanon's *The Wretched of the Earth*, another indication of the broadening of Newton's intellectual horizons.⁷⁵ This sequence of publications allowed Newton to develop a broader platform for the BPP and demonstrate that he was using his jail time to immerse himself in radical literature, place the BPP's current struggles in context, and develop new directions for the Party to pursue. His

writings thus played a crucial role in ensuring that Newton lived up to his billing as a central figure in the African American struggle.

- 36 In February 1969, Berkeley's community theater hosted a birthday rally for over 2,000 supporters who heard a special tape-recorded message from Newton extolling the rainbow alliance of anti-imperialists and promising a new offensive that would bring about the revolutionary change that the BPP craved. Charles Garry gave a barnstorming speech, followed by the BPP's friend, Reverend Earl Neil, who opined that the empty wicker chair onstage symbolized not merely Newton's absence but the absence of any meaning in society without Newton.⁷⁶ Neil's mythmaking deepened the BPP's attempt to render Newton a living martyr. Where the empty chair at the 1968 galas was an ominous vision of what might occur should the campaign fail, in 1969 the chair represented both Newton's physical absence and his divine, even transcendental presence. He thus achieved omniscience: always listening, always thinking, and always watching. His apotheosis continued to give the BPP purpose but also detached him from his own humanity. He was no longer capable of error, doubt, or vacillation.
- 37 Panegyrics to Newton were not confined to the BPP's propaganda unit. In April 1969 the New Left activist Stew Albert wrote in the *Berkeley Barb*,
Huey's greatness can not [sic] be locked up in San Luis Obispo.... Huey Newton is a giant who turns other men into giants.... Huey P. Newton's greatness is that he took the best thoughts of the greatest minds the century has known and summed it up in a law book, a shot gun and a ten-point program.... Huey is a generator, the purest light of freedom our generation has produced.⁷⁷
- 38 This was to have a major impact on Newton's post-prison life following the reversal of his conviction in 1970.
- 39 Newton's official response to freedom was telling. While expressing gratitude for his legal team's work, he announced his belief that popular opinion, expressed largely through the BPP's public actions, compelled the court to reverse his conviction. As important, he argued that release from prison did not constitute freedom, citing Malcolm X in the process: 'I'm being transferred for institutional convenience, as they say, from maximum security to minimum security.' Freedom, he suggested, could only begin with the release of all African American political prisoners; moreover, America itself was, for its black population, the prison.⁷⁸
- 40 His release also revealed the extent to which his sanctification was complete. The *Washington Post* declared that he had achieved 'legendary proportions' among the American left and put a photograph of his release on its front page.⁷⁹ Shortly afterward, Newton held court at a press conference in Charles Garry's offices, where he seemed overwhelmed at the attention.⁸⁰ In the FBI's headquarters, J. Edgar Hoover plotted his next move, telling his agents that Newton's release 'offers excellent opportunity for effective counterintelligence.'⁸¹ Indeed, underneath the jubilation, the *New York Times's* Earl Caldwell noticed a chilling fact: during the trial, hundreds of Panthers marched in the streets; by August 5, 1970, few remained. Significant numbers were in prison or were dead.⁸²
- 41 FBI counterintelligence, disruption, and physical assaults combined with the BPP's own structural weaknesses to hobble the organization in the years after Newton's return. Yet in 1968, the alliances wrought by the BPP promised a new, radical successor to the civil rights movement's interracial coalition. As the Birthday Galas suggest, this attempt at coalition building was fraught with a tension that ultimately prevented such a grand

radical movement forming. The BPP learned that it could not dominate the entire radical movement as it had the PFP in late 1967 and early 1968, not least because it needed to contend with African American radicals whose popularity exceeded its own. Yet the Free Huey campaign, and specifically its combination of the galas' pageantry with the BPP's rhetorical flair, demonstrates the popular fervor in California for the BPP's diagnosis of the United States' problems during 1968 and the extent to which the BPP became an emblematic organization of that year.

- 42 Newton's mythologizing – and the popular acceptance of him as a living martyr – also reflected these times and constituted the key factor in the BPP's revitalization. With icons such as Dr. King and Malcolm X in their graves, Newton's supporters feared the murder of another of a black American leader. Through sanctifying Newton, the BPP attempted to wrestle control of the African American struggle's agenda while raising itself to international prominence. Newton briefly became a cypher through which many American radicals could project their oppositional tendencies, abetted by a propaganda campaign that elevated him into a position normally reserved for the sanctified. Yet, as Joan Didion's profile suggests, the BPP could not control its popular image, revealing the Free Huey campaign to be as suggestive of the backlash against protest during 1968 as it was a perfect example of such protest. This backlash was certainly informed by the BPP's own rhetoric, which was ambiguous enough to become a palimpsest onto which any observer could inscribe their own feelings about 1960s radicalism. Thus, the apocalyptic tenor of this rhetoric might have excited BPP supporters and fellow travelers but it also enabled the BPP's opponents to justify state and federal repression. The BPP struggled to maintain the campaign's early momentum, not least because the FBI and local police subjected its leadership cadre, and increasingly the rank-and-file, to concerted disruption. So, even as the organization tapped into 1968's revolutionary atmosphere to boost its campaign to free Newton and suggest that the revolution was just around the corner, this very atmosphere and this very suggestion attracted the forces of reaction who sought to cage California's Black Panthers.

43 **Proper names:**

Newton Huey P., Frey John, Seale Bobby, Guevara Ernesto 'Che', Zedong Mao, Fanon Frantz, Shabazz Betty, X Malcolm, Heanes Herbert, Rhodes Jane, Cleaver Eldridge, Austin Curtis, Murch Donna, Spencer Robyn, Bloom Joshua, Martin Waldo, Wilson Joel, Barber David, Bae Aaron, Pearlman Lise, Cleaver Kathleen (nee Neal), Garry Charles, Garvey Marcus, Douglas Emory, Cleaver Eldridge, Ture Kwame (Stokely Carmichael), Forman James, Brown H. 'Rap', Dellums Ron, Karenga Maulana, Kilgore Thomas, Hutton Bobby, Marshall Thurgood, Johnson Lyndon, Wallace George, Didion Joan, Welsh David, King Dr. Martin Luther, Jr., Kennedy Robert F., Blake Dr. J. Herman, Eisenhower Dwight, Hilliard David, Korda Alberto, Neil Earl, Albert Stew, Hoover J. Edgar, Caldwell Earl

NOTES

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7. Cleaver cited in Rhodes, *Framing the Black Panthers*, 118.
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9. Stephen Shames and Bobby Seale, *Power to the People: The World of the Black Panthers* (New York: Abrams, 2016), 29; Kathleen Cleaver (ed.), *Target Zero: A Life in Writing, Eldridge Cleaver* (New York: Palgrave, 2006), 118; Jane Rhodes, 'Black Radicalism in 1960s California: Women in the Black Panther Party' in Quintard Taylor and Shirley Ann Wilson Moore (eds.), *African American Women Confront the West, 1600-2000* (Norman: University of Oklahoma Press, 2008), 351.
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ABSTRACTS

In October 1967, the co-founder of the Black Panther Party for Self-Defense, Huey P. Newton was arrested and charged with the murder of a police officer. His organization, which was on the point of collapse, rallied around him, courtesy of a major campaign that ran through his trial and his two years in prison, making 'Free Huey' a rallying cry for radicals across the globe. It transformed the BPP into one of the most visible political organizations of the era whilst redefining Newton as one of the key icons of 1968. As important, the 'Free Huey' campaign enabled the BPP to surf 1968's radical tide, forging links with other radical groups as it grew to international prominence. Yet this newfound fame was not unproblematic, since it revealed the ambiguities of the BPP's philosophy and elevated Newton to mythic proportions that no living human could match. The 'Free Huey' campaign thus reveals both the ability of radical groups to generate and exploit the revolutionary fervor of the year and the problems inherent in such an approach.

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Keywords: Black Panther Party, San Francisco Bay Area, African American radicalism, 1968, Protest, 1960s protest, Free Huey, rhetoric, signifying, mythologizing, FBI, Black Power

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